IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2982 OF 2006

In

APPEAL NO.657 OF 2006

In

NOTICE OF MOTION NO.2831 OF 2006

In

SUIT (LODGING) NO.2365 OF 2006

Mr.Jonathan Brady : Appellant

(Orig. Defendeant)

V/s.

Entertainment Network India Ltd. : Respondent

(Orig. Plaintiff)

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Mr.Janak Dwarkadas, senior counsel, with Mr.D.D.Madon, Mr.Vyapak Desai and Mr.Vivek Kathpalia i/b. M/s.Nishith Desai Associates for the appellant.

Mr.E.P.Bharucha, senior counsel, with Mr.A.S.Kamat and Mr.Rahul Mascarenhas i/b. M/s.Mulla & Mulla & Craigie Blunt & Caroe for the respondent.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : SEPTEMBER 4, 2006.

P.C.

1. Heard.

2. From a perusal of the documents referred to by the senior counsel for the parties and the recent judgement of the Supreme Court in the case of Percept D'Mark (India) (P) Ltd. v. Zaheer Khan [(2006) 4 SCC 227], we are satisfied that prima facie, the impugned order is not sustainable. There is neither a prima facie case established by the plaintiff-respondent nor the balance of convenience is in favour of the respondent for the relief granted by the learned single Judge.

3. Hence, the ad-interim order granted in terms of prayer (a) by the learned Motion Judge is stayed.

4. Mr.E.P.Bharucha, senior counsel for the respondent, orally prays for stay of this order. However, we are not inclined to grant such prayer and the oral prayer for stay is rejected.

Sd/-

R.M. LODHA, J.

Sd/-

S.A. BOBDE, J.